

**Federal Defenders
OF NEW YORK, INC.**

Southern District
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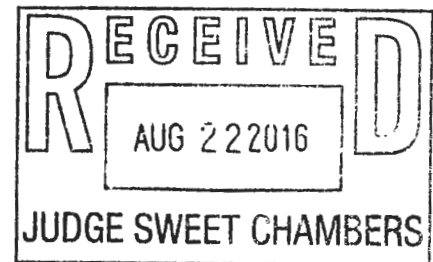
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Southern District of New York
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August 19, 2016

By ECF

Honorable Robert W. Sweet
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007



Re: United States v. Keita Minaba
08 Cr. 1224 (RWS); 16 Civ. 5286 (RWS)

Dear Judge Sweet:

Mr. Minaba has filed a "placeholder" 28 U.S.C. § 2255 motion challenging his conviction for discharging a firearm during a crime of violence, 18 U.S.C. § 924(c)(1)(A)(iii), in light of Johnson v. United States, 135 S. Ct. 2551 (2015). By letter of July 27, 2016 (Cr. Dkt. 45), the defense proposed to file a supplemental brief in support of Mr. Minaba's motion by August 26, 2016. In the interim, however, the Second Circuit decided United States v. Hill, No. 14-3872, holding that Hobbs Act robbery (which is Mr. Minaba's predicate offense) is a crime of violence for purposes of § 924(c)(3). I anticipate that Mr. Hill, who is represented by the Federal Defenders of New York, will seek rehearing and/or certiorari, and I therefore respectfully request that this Court stay consideration of Mr. Minaba's § 2255 motion pending final resolution of Hill. Other courts have granted stays in this posture. See United States v. Henlon, 13 Cr. 245 (JGK) (S.D.N.Y. Aug. 18, 2016), Dkt. No. 21. The government consents to this request.

*See ordered
Sweet
USDC
8.30.16*

Respectfully submitted,

/s/ Daniel Habib, Esq.
Assistant Federal Defender
Tel.: (212) 417-8769

CC: AUSA Michael Maimin, Esq. (by ECF)

